

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Dianne A Dunchock v Robert E McCarthy**

Docket No. **260321**

L.C. No. **03-009593-CK**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed January 19, 2004, is DISMISSED for lack of jurisdiction because appellant failed the claim of appeal within 21 days of the December 8, 2004 order denying the motion for reconsideration as required by MCR 7.204(A)(1)(b). Regardless of the erroneous language contained in the December 8, 2004, and December 29, 2004 orders, the final order as defined by MCR 7.202(6)(a) was the November 16, 2004 order. See MCR 7.202(6)(a)(iv). Under MCR 7.204(A)(1)(b) appellant properly extended the time period for filing the claim of appeal by filing a motion for reconsideration. However, once that motion was denied by order of December 8, 2004, appellant could not extend further the time period for filing the claim of appeal by filing a second motion for reconsideration. As a result, appellants may only challenge the order in question by filing a delayed application leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2005

Date

Sandra Schultz Mengel
Chief Clerk